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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/749,151	12/30/2003	Hariprasad Janardana Iyer	CE11770JSW	3846

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MOTOROLA, INC
INTELLECTUAL PROPERTY SECTION
LAW DEPT
8000 WEST SUNRISE BLVD
FT LAUDERDAL, FL 33322

EXAMINER	
AUGUSTINE, NICHOLAS	
ART UNIT	**PAPER NUMBER**
2179	

MAIL DATE	DELIVERY MODE
10/17/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/749,151	IYER, HARIPRASAD JANARDANA	
	Examiner	Art Unit	
	Nicholas Augustine	2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 August 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

A. This action is in response to the following communications: Amendment filed 08/02/2007. This action is made **Final**.

B. Claims 1-21 remains pending.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Okuzako et al. (US 2004/0116167), herein referred to as Okuzako.

As claim 1, Okuzako teaches an apparatus for use in wirelessly communicating (par [0004]; par [0289]), comprising: a first part (fig. 1, label 12, that is described that the first part includes and interior and exterior surface) having an interior surface (fig.l, labels 12, 15; par [0097]) and an exterior (fig. 11; par [0184], lines 1-4); a second part (fig. 1, label 13, that is described that the first part includes and interior and exterior surface) having an interior surface (fig. 1, label 14; par [0097) and an exterior (fig. 12; par [0184], lines 4-7), wherein the second part is pivotally attached with the first part such that in a

closed position the interior surface of the first part is proximate to and faces the interior surface of the second part (fig. 2; par [0096], lines 7-8; par [0105], lines 1-15);

an exterior display mounted on the exterior of the first part to display data (fig. 1, label 16; par [0097], lines 11-13); a first actuator accessible from the exterior of one of the first and second parts (fig. 6, label 61),wherein the first actuator when activated causes a shift of the data (par [0141]) on the exterior display (fig. 2, label 16) such that a first alternate portion of the data is displayed (par [0143]); a second actuator accessible from the exterior of one of the first and second parts (fig. 6, label 62), wherein the second actuator when activated causes a shift of the data (par [0141]) on the exterior display (fig. 2, label 16) such that a second alternate portion of the data is displayed (par [0143]); and a third actuator accessible from the exterior of one of the first and second parts (fig. 6, label 65), wherein the third actuator causes a shift in a default direction of the data on the exterior" display (par [0142]) such that a third alternate portion of the data is displayed (par [0142]; fig. 7; par [0144], lines 1-4) when the third actuator is activated and held activated for a predefined period of time (par [0142]).

As claim 2, Okuzako further teaches the first actuator (fig. 6, label 61) causes a shift of the data on the exterior display such that a fourth alternate portion of the data is displayed when the first actuator is activated while the third actuator (fig. 6, labels 16, 65) is activated (par [0142]; par [0146], that when pressing the key for a predetermined amount of time, an alternate mode is activated), and wherein the second actuator (fig. 6, label 62) causes a shift of the data on the exterior display such that a fifth alternate portion of the data is displayed when the second actuator is activated while the third

actuator (fig. 6, labels 16, 65) is activated (par [0142]; par [0146], that when pressing the key for a predetermined amount of time, an alternate mode is activated).

As claim 3, Okuzako further teaches the first, second and third actuators are positioned on a side of one of the first and second exteriors such that the first, second and third actuators are accessible (fig. 10, labels 61, 62, 65; par [0180]) when the first and second parts are in the closed position (fig. 10, labels 12, 13; par [0179], lines 3-7).

As claim 4, Okuzako further teaches the first actuator (fig. 6, label 61) causes the shift of the data on the exterior display to shift a first direction when the first actuator is activated while the third actuator (fig. 6, label 65) is activated such that the third alternate portion of the data displayed is a first portion of a first entry of a list (fig. 7, label 68; par [0147]), that by activating the alternate mode using the third key along with the first key scrolling the list in a first direction providing and alternative view of the list), and the second actuator (fig. 6, label 62) causes the shift of the data on the exterior display to shift a second direction when the second actuator is activated while the third actuator (fig. 6, label 65) is activated such that the fourth alternate portion of the data displayed is a second portion of the first entry of the list (fig. 7, label 68; par [0147]), that by activating the alternate mode using the third key along with the second key scrolling the list in a second direction providing and alternative view of the list).

As claim 5, Okuzako further teaches the third alternate portion of the data is equal to one of the fourth and fifth alternate portions of data (fig. 7; par [0145], that it is known

that when the data is displayed when changing mode is equal to the fourth or fifth based on the direction of the key that is utilized).

As claim 6, Okuzako further teaches the first actuator (fig. 11, label 109a) causes the shift of the data on the exterior display (fig. 11, label 16) to Shift a third direction when the first actuator is activated while the third actuator is not activated such that the first alternate portion of the data displayed is a first portion of a succeeding second entry of the list (fig. 26, 27; par [0243]-[0244]); and the second actuator (fig. 11, label 109c) causes the shift of the data on the exterior display to shift a fourth direction when the second actuator is activated while the third actuator is not activated such that the second alternate portion of the data displayed is a first portion of a preceding third entry of the list (fig. 26, 27; par [0243] and [0244]).

As claim 7, Okuzako further teaches: a processor coupled with the first, second and third actuators (fig. 2, labels 11, 61, 62, 63; par [0097]), wherein the processor receives the activation of the first, second and third actuators and directs the data to the exterior display (par [0155], that by using the switch the data is transferred to display on the outer (exterior) display).

As claim 8, Okuzako further teaches: a selection cursor that is displayed on the exterior display indicating a portion of the data that is selected (fig. 26, label 157; par [0245], lines 8-13); and the processor is configured to initiate wireless communication in accordance with the selected portion of data (par [0109]; par [0187], lines 17-21).

As claim 9, Okuzako further teaches the third actuator initiates the data to be displayed on the exterior display when actuated (par [0159]-[0160].

As claim 10, Okuzako further teaches: a selection cursor that is displayed on the exterior display indicating a portion of the data that is selected (fig. 7, label 69; par [0146]), wherein the selection cursor is shifted to highlight at least a portion of the first alternate portion of the data when the first actuator is activated (fig. 6, label 61; par [0146]), the selection cursor is shifted to highlight at least a portion of the second alternate portion of the data when the second actuator is activated (fig. 7, label 69; par [0146]), the selection cursor is shifted to highlight at least a portion of the third alternate portion of the data (fig. 7, label 69; par [0146]) when the first actuator is activated while the third actuator is activated (fig. 6, label 61; par [0142]), and the selection cursor is shifted to highlight at least a portion of the fourth alternate portion of the data (fig. 7, label 69; par [0146])when the second actuator is activated while the third actuator is activated (fig. 6, labels 61 and 65; par [0142]).

As claim 11, Okuzako teaches a method for use in accessing data on a portable, handheld device, comprising: displaying data on an external display of a handheld device (par [0020], lines 1-3); while the handheld device is in a closed position (par [0020], lines 3-7); and while the handheld device is closed (par [0022]), lines 1-6): receiving a first command and scrolling the data On the external display in a first direction to display first additional data (fig. 7; par [0146]); receiving a second command and scrolling the data on the external display in a second direction to display second additional data (fig. 7; par [0146]); receiving the first command while a third command is

active (par [0144], lines 1-4) and scrolling the data on the external display in a third direction to display third additional data (fig. 26, 27; par [0246]); and receiving the second command while the third command is active (par [0144], lines 1-4) and scrolling the data on the external display in a fourth direction to display fourth additional data (fig. 26, 27; par [0246]).

As claim 12, Okuzako further teaches: receiving the third command (par [0144]); receiving the third command for a predefined period while the neither the first and second commands are active (par [0144], by holding down on the CENTER key for a predetermined amount of time); and scrolling the data on the external display in a default direction to display fifth additional data when the third command is active for the predefined period while the neither the first and second commands are active (par [0144], the default command is left or right depending on the key that is utilized).

As claim 13, Okuzako further teaches the displaying data comprises displaying a first portion of a first entry (fig. 21, Label a71; par [0209]), the scrolling in the third direction to display the third additional data comprises scrolling the data in the third direction to display a second portion of the first entry of data (par [0246], that accessing the of sub-menu by scrolling left), and the scrolling in the fourth direction to display the fourth additional data comprises scrolling the data in the fourth direction to display a third portion of the first entry of data (par [0246], that accessing the of sub-menu by scrolling right).

As claim 14, Okuzako further teaches the scrolling in the first direction to display the first additional data comprises scrolling the data in the first direction to display a first portion of a second entry (par [0246], that accessing the sub-menu by utilizing keys based on a predetermined direction), and the scrolling in the second direction to display the second additional data comprises scrolling the data in the second direction to display a first portion of a third entry of data (par [0246], that accessing the sub-menu by utilizing keys based on a predetermined direction).

As claim 15, Okuzako further teaches the first direction is up (fig. 6, label 61; par [0146]), the second direction is down (fig. 6, label 62; par [0146]), the third direction is right (fig. 6, label 63; par [0146]) and the fourth direction is left (fig. 6, label 64; par [0146]).

As claim 16, Okuzako further teaches: shifting a selection cursor in the first direction when the first command is received (fig. 6, 7; par [0141] and [0146]), shifting the selection cursor in the second direction when the second command is received (fig. 6, 7; par [0141] and [0146]), shifting the selection cursor in the third direction when the first command is received while the third command is received (fig. 6, 7; par [0141]-[0142], [0146]), and shifting the selection cursor in the fourth direction when the second command is received while the third command is received (fig. 6, 7; par [0141]-[0142], [0146]).

As claim 17, Okuzako further teaches the data comprises data wirelessly received (fig. 3, labels 31,40, 41; par [0109], lines 10-14, that the information (e-mail) is received via a

wireless connection), that data was received via a wireless network (par [0109], lines 10-14).

As claim 18, Okuzako teaches a method for use in displaying data on a handheld device (par [0020]), comprising: displaying a first portion of a first entry of data on an external display (fig. 2, label 16) of a handheld device while the handheld device is in a closed position (par [0020]); displaying a first portion of a second entry of data on the external display when a first command is received while a third command is not received (par [0146]); displaying a second portion of the first entry of data on the external display when the first command is received while the third command is received (par [0246], that is a sub-menu); and displaying a third portion of the first entry of data on the external display when a second command is received while the third command is received (par [0246], that is a sub-menu).

As claim 19, Okuzako further teaches: displaying a first portion of a third entry of data on the external display (fig. 2, label 16) when the second command is received while the third command is not received (par [0246], that is a sub-menu).

As claim 20, Okuzako further teaches: displaying a second portion of the second entry of data on the external display (fig. 2, label 16) when the first command is received while the third command is received and while the second entry is displayed on the external display (par [0246], that is a sub-menu); and displaying a third portion of the second entry of data on the external display when the second command is received while the third command is received and while the third entry is displayed on the external display (par [0246], that is a sub-menu).

As claim 21, Okuzako further teaches: determining if a fourth portion of the first entry is selected when a fourth command is received (par [0257], that is by pressing or releasing the center key); accessing an alternate data list when the fourth portion is selected (par [0246], that it is a sub-menu); and displaying a first portion of a first entry of the alternate data list (par [0246], that is a sub-menu).

(Note:) **It is noted that any citation to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. In re Heck, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re Lemelson, 397 F.2d 1006,1009, 158 USPQ 275, 277 (CCPA 1968)).**

Response to Arguments

Applicant's arguments filed 08/02/2007 have been fully considered but they are not persuasive.

A1. Applicant argues that Okuzako does not teach dual functions from a set of controls wherein when the device is closed one function is performed differing from when the device is open.

R1. Examiner does not agree, Okuzako teaches of the control 17 with a placement on the side of the phone (figure 14) on placement on the front cover of the phone (figure 2) have differing functionality pertaining to the actions being performed by the user at the time (paragraph 146, 159, figure 15-16; wherein

depicted are differing actions being performed by the same controller (flow diagram)). Therefore Okuzako provides proper teaching of differing functions (scrolling and photo shooting (non-scrolling "non-shifting" function) functions on a mobile device.)

A2. Applicant argues that control 17 "up, down, left, right and center" cannot be used for "shifting data". As defined by applicant "shifting data" is merely scrolling information (movement of information presented to the user on a limited real-estate display screen).

R2. Examiner does not agree, Okuzako teaches in paragraph 146, the control 17 has proper means of scrolling information and also used as a selection control. Other uses of 17 are present throughout the entire teachings of Okuzako. Along with control 17 having differing functions pertaining to users actions and activated control 17 is active if the phone is in an open or closed status (yields differing actions by the user).

Applicant is invited to a telephonic interview if questions or concerns remain.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Inquires

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas Augustine whose telephone number is 571-270-1056. The examiner can normally be reached on Monday - Friday: 7:30- 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

N. Augustine
10/12/2007

Nicholas Augustine
Examiner
AU: 2179

BA HUYNH
PRIMARY EXAMINER